

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2001**

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**SENATE BILL 910**

Short Title: Failure to Appear for Misdemeanor Citation.

(Public)

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Sponsors: Senator Rand.

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Referred to: Judiciary I.

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April 5, 2001

A BILL TO BE ENTITLED

1  
2 AN ACT TO ALLOW THE COURT TO ISSUE AN ORDER FOR ARREST WHEN A  
3 DEFENDANT FAILS TO APPEAR IN COURT AFTER RECEIVING A  
4 CITATION FOR A MISDEMEANOR.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 15A-302(f) reads as rewritten:

7 "(f) Citation No Bar to Criminal Summons or Warrant. – If the offense is a  
8 misdemeanor, a criminal summons or a warrant may issue notwithstanding the prior  
9 issuance of a citation for the same offense. If a defendant fails to appear in court as  
10 directed by a citation that charges the defendant with a misdemeanor, an order for arrest  
11 for failure to appear may be issued by a judicial official."

12 **SECTION 2.** G.S. 15A-305(b) reads as rewritten:

13 "(b) When Issued. – An order for arrest may be issued when:

- 14 (1) A grand jury has returned a true bill of indictment against a defendant  
15 who is not in custody and who has not been released from custody  
16 pursuant to Article 26 of this Chapter, Bail, to answer to the charges in  
17 the bill of indictment.
- 18 (2) A defendant who has been arrested and released from custody pursuant  
19 to Article 26 of this Chapter, Bail, fails to appear as required.
- 20 (3) The defendant has failed to appear as required by a duly executed  
21 criminal summons issued pursuant to ~~G.S. 15A-303~~G.S. 15A-303 or a  
22 citation issued by a law enforcement officer or other person authorized  
23 by statute pursuant to G.S. 15A-302 that charged the defendant with a  
24 misdemeanor.
- 25 (4) A defendant has violated the conditions of probation.
- 26 (5) In any criminal proceeding in which the defendant has become subject  
27 to the jurisdiction of the court, it becomes necessary to take the  
28 defendant into custody.

- 1           (6)    It is authorized by G.S. 15A-803 in connection with material witness  
2                    proceedings.  
3           (7)    The common-law writ of *capias* has heretofore been issuable.  
4           (8)    When a defendant fails to appear as required in a show cause order  
5                    issued in a criminal proceeding.  
6           (9)    It is authorized by G.S. 5A-16 in connection with contempt  
7                    proceedings."  
8           **SECTION 3.** This act is effective when it becomes law.